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UNCLAS WELLINGTON 000397

SIPDIS

STATE FOR IO/T - JCOWLEY AND EAP/ANP - TRAMSEY

E.O. 12958 N/A

TAGS: [ETRD](#) [SCUL](#) [NZ](#) [UNESCO](#)

SUBJECT: NEW ZEALAND RESPONSE ON NEGOTIATIONS AT UNESCO
ON CONVENTION ON CULTURAL DIVERSITY

REF: STATE 089776

1. Poloff provided reftel demarche points to James Hartley, Legal Advisor, NZ Ministry of Foreign Affairs and Trade (MFAT), who, along with Jane Kominik from the Ministry for Culture and Heritage, will attend the negotiations in Paris on the UNESCO convention on cultural diversity. In Hartley's response May 18, he reported that his government's two key issues of concern are the trade aspects of the Convention, especially Article 20, and preferential treatment for developing countries, under Article 16.

2. Hartley stated that GONZ supports the approach of Article 20.1 that emphasizes "consistency" between the Convention and other international instruments and the elimination from Article 20.2 of language suggesting any hierarchy between the Convention and other instruments. However, the GONZ also believes that further work could be done to reduce the trade implications of the language in the Convention, especially the definition of "cultural industries," which it finds to be "too broad and unnecessary."

3. Hartley noted that for consistency with the other Articles in the Convention that concern international co-operation, New Zealand will propose amending Article 16 to read "Developed Countries shall endeavor to facilitate cultural exchanges with developing countries." According to Hartley, this change would make the obligation non-mandatory.

4. The GONZ also suggests an amendment to Article 2.1 so that it would read, "Cultural diversity can only be protected and promoted if fundamental freedoms, such as the freedom of expression, which includes information and communication, are guaranteed." This amendment reflects the GONZ view that freedom of expression appropriately includes freedoms concerning information and communication, in a manner consistent with Article 19 of the International Covenant on Civil and Political Rights.

5. GONZ further believes that there are opportunities for greater streamlining of the administrative structures, particularly concerning the functions of the Conference of Parties and Intergovernmental Committee. GONZ recommendations regarding these functions include:

- to change the functions of these two bodies for consistency with their role in administering the International Fund for Cultural Diversity as established under Article 18;
- to give the Conference of Parties the power to confer additional functions on the Intergovernmental Committee as appropriate;
- to ensure that all decisions that will substantially affect the obligations of States Parties to the Convention are made by the Conference of Parties;
- to have the Intergovernmental Committee transmit a summary of the reports to the Conference of Parties, as was done with previous drafts; and
- to schedule the Conference of Parties to coincide with the General Conference to lessen the administrative burden on States Parties.

Swindells